

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Katharine S. Hayden
v. : Crim. No. 09-298 (KSH)
KERRY DEMINGS : CONTINUANCE ORDER

This matter having come before the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (by Zach Intrater, Assistant U.S. Attorney), and defendant Kerry Demings (by Kevin Carlucci, Esq., Assistant Federal Public Defender) for an order granting a continuance of the proceedings in the above-captioned matter to permit the Court to finish its consideration of defendant's motion to suppress, and for the parties to pursue plea negotiations, and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to Title 18 of the United States Code, Section 3161(c)(1), and as the defendant has consented to such a continuance, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. The defendant filed a motion to suppress evidence on September 23, 2009, which stayed the application of the provisions of the Speedy Trial Act. The Court held a hearing on said motion on October 14, 2009. The Court then Ordered further

briefing and oral argument on said motion on October 16, 2009. The parties then filed their briefs, and the Court held oral argument on said motion on December 7, 2009. The Court has been in continued consideration of said motion from December 7, 2009 through and including the date on which the Court will decide said motion to suppress;

2. Plea negotiations are currently in progress, and both the United States and the defendant desire additional time to finalize a plea agreement, which would render trial of this matter unnecessary;

3. The grant of a continuance will likely conserve judicial resources;

4. Pursuant to Title 18 of the United States Code, Section 3161(h)(1)(D), the time period from September 23, 2009 through and including the date on which the Court will decide the motion to suppress is delay resulting from a pretrial motion, including the time from the filing of the motion through the disposition of said motion, and shall be excluded in computing the time within which the trial of defendant must commence; and

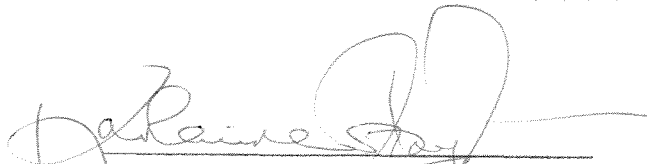
5. Pursuant to Title 18 of the United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, therefore, on this 3rd day of April, 2010,

ORDERED that this action be, and it hereby is,
continued through and including August 2, 2010; and it is further


ORDERED that motions shall be filed June 28, 2010; the
opposition motions shall be filed by July 12, 2010; the argument
of motions is scheduled for July 19, 2010, at 2:00 p.m.; and the
trial is scheduled for August 2, 2010, or a date to be set by the
Court; and it is further

ORDERED that the period from September 23, 2009,
through and including July 31, 2010, shall be excludable in
computing time under the Speedy Trial Act of 1974, pursuant to
Title 18, United States Code, Sections 3161(h)(1)(D) and (h)(7).

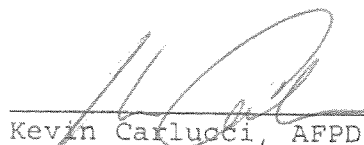


Hon. Katharine S. Hayden
United States District Judge

Form and entry
consented to:



Zach Intrater
Assistant U.S. Attorney



Kevin Carlucci, AFPD
Counsel for defendant Kerry Demings